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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 MERT CELEBISOY,

12 Plaintiff,

13 v.

14 KAREN BRUNSON,

15 Defendant.

Case No. C08-5739 FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

16 This matter comes before the Court on application for certificate of appealability. On
17 August 10, 2009, this Court denied Petitioner's post-conviction habeas corpus petition.

18 A court will issue a certificate only when a petitioner has made "a substantial showing of the
19 denial of a constitutional right ." 28 U.S.C. § 2253(c)(2). "Where a district court has rejected the
20 constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The
21 petitioner must demonstrate that reasonable jurists would find the district court's assessment of the
22 constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

23 Petitioner has not met this burden. The due process claim is not debatable as Petitioner was
24 not entitled to a court-appointed certified interpreter. The trial court found that Petitioner had
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1 language skills that were adequate for him to attend trial without an interpreter, and the court
2 nonetheless retained an interpreter to aid Petitioner at trial. Reasonable jurists would not find that
3 Petitioner's due process claim debatable. See Stevenson v. Lewis, 384 F.3d 1069, 1072 (9th Cir.
4 2004).

5 Petitioner's Vienna Convention claim is not debatable, as it is not contrary to clearly
6 established law for the Washington courts to hold that the state courts could not resolve Petitioner's
7 claim that Article 36 of the Vienna Convention was violated when he was not provided an
8 opportunity to contact his consul of origin. Reasonable jurists could not debate that this claim
9 should have been resolved differently.

10 In conjunction with his application for a certificate of appealability, Petitioner seeks a
11 suspension of the filing fee. Petitioner acknowledges that he is not entitled to *in forma pauperis*
12 status. Further, The appeal lacks an arguable basis in fact and/or law and thus the Court finds
13 waiver of the filing fee unwarranted. See 28 U.S.C. § 1915(a)(3).


14 ACCORDINGLY;

15 IT IS ORDERED:

16 Petitioner's motion for Certificate of Appealability [Dkt # 17] is **DENIED**.

17 Petitioner's motion for waiver of filing fee [Dkt # 18] is **DENIED**.

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19 DATED this 21st day of September, 2009.

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24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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